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Security Council

Sixty-fifth year

Provisional

6417th meeting

Tuesday, 9 November 2010, 10 a.m.
New York

President:	Sir Mark Lyall Grant	(United Kingdom of Great Britain and Northern Ireland)
Members:	Austria	Mr. Mayr-Harting
	Bosnia and Herzegovina	Mr. Barbalić
	Brazil	Mrs. Viotti
	China	Mr. Wang Min
	France	Mr. Briens
	Gabon	Mr. Onanga Ndiaye
	Japan	Mr. Nishida
	Lebanon	Ms. Ziade
	Mexico	Mr. Heller
	Nigeria	Mrs. Ogwu
	Russian Federation	Mr. Churkin
	Turkey	Mr. Müftüoğlu
	Uganda	Mr. Mugoya
	United States of America	Ms. Rice

Agenda

The situation in Somalia

Report of the Secretary-General pursuant to Security Council resolution 1897 (2009) (S/2010/556)

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The meeting was called to order at 10.05 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Somalia

Report of the Secretary-General pursuant to Security Council resolution 1897 (2009) (S/2010/556)

The President: I should like to inform the Council that I have received a letter from the representative of Somalia, in which he requests to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Duale (Somalia) took a seat at the Council table.

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Lynn Pascoe, Under-Secretary-General for Political Affairs.

There being no objection, it is so decided.

In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Yury Fedotov, Executive Director of the United Nations Office on Drugs and Crime.

There being no objection, it is so decided.

I invite Mr. Fedotov to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

I wish to draw the attention of the members of the Council to the report of the Secretary-General pursuant to resolution 1897 (2009), which is contained in document S/2010/556.

At this meeting, the Security Council will hear briefings by Mr. Lynn Pascoe and Mr. Yuri Fedotov.

I now give the floor to Mr. Pascoe.

Mr. Pascoe: I thank you, Mr. President, for the opportunity to present the Secretary-General's latest report on piracy and armed robbery at sea off the coast of Somalia (S/2010/556).

Piracy is a menace that it outpacing efforts by the international community to stem it. The numbers are appalling. As of 4 November, the International Maritime Organization (IMO) reports that over 438 seafarers and passengers and 20 ships are being held by pirates. That is an increase of almost 100 kidnapped victims in less than a month. As always, we of course call for the immediate release of all individuals still in the hands of Somali pirates.

Pirates are also taking greater risks and seeking higher ransoms. Just a few days ago, for instance, a European Union warship escorting supplies for the African Union Mission in Somalia (AMISOM) was brazenly attacked by Somali pirates from a large freighter that had itself been seized about a month ago.

These acts continue to have serious effects on the regional economies of East Africa and the economies of the wider world. In addition, sea-based transport routes for humanitarian and peacekeeping assistance are crucial to maintaining a vital lifeline for Somalia and to providing hope for the Somali people.

The problems would be worse if not for the very considerable international anti-piracy efforts that are now under way. Member States have put in place a strong naval presence off the coast of Somalia, with an unprecedented level of coordination of navies in this area. The Contact Group on Piracy off the Coast of Somalia, which now has 53 participants, is also scaling up other efforts to counter piracy.

International naval forces and coalitions off the coast of Somalia have disrupted more pirate operations and protected more vessels than ever before. Also, more has been done to implement self-protection recommendations developed by the shipping industry and the International Maritime Organization. We are

deeply grateful to the European Union, NATO and all Member States participating in the protection at sea of World Food Programme humanitarian shipments and deliveries contracted by the United Nations Support Office for AMISOM.

But much more is required to tackle the root causes of piracy off the coast of Somalia. The United Nations, through the Special Representative of the Secretary-General for Somalia, Mr. Augustine Mahiga, is playing a key role in helping to integrate the vital work of the Contact Group on Piracy off the Coast of Somalia, the Transitional Federal Government's own piracy task force, military action by various navies, and the development of the security, economic and humanitarian sectors into an overall strategy for Somalia. A revitalized Kampala process is one of the key mechanisms to make sure that Somalis themselves, in their various administrative regions, work together.

As indicated in the Secretary-General's report, fighting piracy demands simultaneous action on three fronts: deterrence, security and the rule of law, and development.

I shall now turn to deterrence. First, more needs to be done to deter attacks against ships. In this regard, we would like to appeal once again to all ships traversing the seas off the coast of Somalia to follow the recommendations of the IMO and industry-developed best management practices. Such measures have proved effective in significantly reducing the risk of being hijacked. This should be seen as a first line of defence and is an area where the private sector is expected to play its part.

Regional cooperation is also critical. Two more Member States, Jordan and Oman, signed the Djibouti Code of Conduct this year, bringing the total number of signatories to 16. IMO has assisted in the implementation of the Code, which has resulted in the establishment of three regional counter-piracy information-sharing centres in Tanzania, Kenya and Yemen; the construction of a training facility in Djibouti; and capacity-building in legal and maritime law enforcement issues.

Deterrence also requires that those found guilty of piracy and armed robbery face prosecution according to international law. We welcome the significant steps taken to improve legal and prosecution capacities. We are grateful to those 10 countries currently shouldering this burden. I should like to acknowledge in particular Kenya and Seychelles for their efforts to prosecute suspected pirates.

A number of States in the region have pointed out that it would be very difficult for them to sustain prosecution efforts and the imprisonment of convicted pirates without commensurate financial support. The Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia has proved to be a useful instrument for supporting initiatives in this area, but it needs more funding. I urge Member States and the maritime industry to contribute generously to the Trust Fund. My colleague, Mr. Yury Fedotov, Executive Director of the United Nations Office on Drugs and Crime, will provide more details on the issues related to legal capacity-building.

Long-term imprisonment arrangements for convicted pirates, ideally in Somalia, still need to be identified. In his recent report on legal issues related to piracy off the coast of Somalia (S/2010/394), the Secretary-General put forward seven possible options for furthering the aim of prosecuting and imprisoning suspected pirates. The same report reminded us of the applicability of international human rights law to countering piracy off the coast of Somalia.

The Secretary-General's Special Adviser on Legal Issues related to Piracy off the Coast of Somalia, Mr. Jack Lang, is carrying out further consultations on the subject. He recently travelled to the region, including Somalia. The Secretary-General looks forward to receiving his recommendations before the end of the year.

The second pillar of an integrated response to piracy is establishing security and the rule of law in Somalia. The United Nations, the Contact Group on Piracy and the Intergovernmental Authority on Development are all working to develop the capacity of Somalia to deal with piracy on land and close inshore waters. This is linked to the broader efforts to develop Somalia's justice and security sectors. In this connection, strengthening the Somali police and establishing a coast guard or a coastal monitoring capability should be an integral part of the debate about piracy. The Somali security institutions must also be provided with predictable funding to allow them to undertake their functions.

Special Representative Mahiga will continue working closely with newly appointed Prime Minister Mohamed Abdullahi Mohamed to ensure that more

focus is placed on making the Joint Security Committee operational and on moving more rapidly to build Somalia's security forces. It is important that the training of Somalia's security forces be closely coordinated by the United Nations and AMISOM.

Piracy and armed robbery off the coast of Somalia are as also very much an economic issue. The Somali people, especially the young, need greater incentives not to succumb to the lure of the pirate economy. As long as piracy is so lucrative, with ransom payments adding up to tens if not hundreds of millions of dollars, and other economic incentives so bleak, the economic imperative is very obvious. Economic rehabilitation and the creation of alternative livelihoods, especially the development and rehabilitation of coastal fisheries, must be at the centre of our efforts to fight piracy.

Piracy has created a daunting challenge for the people of Somalia and the international community. Warships alone, of course, will not solve the problem. We need to continue to fight this battle in the broadest manner, focusing simultaneously on deterrence, security and the rule of law, as well providing economic alternatives for young Somalis. We must also make piracy and robbery off the coast of Somalia costly by addressing impunity and building the capacity of the Transitional Federal Government to expand its authority and deal with law and order.

The President: I thank Mr. Pascoe for his briefing.

I now give the floor to Mr. Fedotov.

Mr. Fedotov: I thank you, Sir, for inviting me to this meeting of the Security Council to take part in this important discussion on piracy off the coast of Somalia. I hope that my statement will complement Mr. Pascoe's very clear presentation of the Secretary-General's report (S/2010/556).

In the past two years, the United Nations Office on Drugs and Crime (UNODC), has developed a counter-piracy programme to assist regional countries in prosecuting a significant number of pirates. With the support of the international community, over 700 suspected and convicted pirates are now in detention in 12 countries; more than half of these are in Somalia itself.

Kenya, which has taken the lead in regional prosecutions, is currently trying 69 suspected pirates and has already convicted 50. Seychelles is a small country, but it has undertaken piracy prosecutions far out of proportion to its size, including the trial of 31 suspected pirates, 22 of whom have already been convicted. Mauritius recently declared its intention to help prosecute pirates, and Tanzania and the Maldives have also expressed interest.

It is clear that the prosecution and imprisonment of convicted pirates pose a heavy burden for countries in the region. Initially, regional States were politically cautious about accepting the transfer of suspected pirates under their jurisdiction. While having publicly announced that it was providing its six-month notice to terminate the transfer agreement with the European Union and other countries, Kenya, for example, continues to accept the transfer of pirates for prosecution on a case-by-case basis.

There are also a number of challenges relating to the capacity of regional States. The main concerns in this regard relate to prison conditions and access to defence lawyers. UNODC is addressing these concerns through its counter-piracy programme, both in Kenya and in Seychelles.

The main impediment to regional States' accepting the transfer of suspected pirates for prosecution has been the burden of imprisoning convicted pirates for the length of their sentences, which generally range from 5 to 20 years, as their own prisons are overloaded. The proposal supported by Special Adviser Jack Lang for transferring convicted pirates to Somali prisons and expediting trials within the rule of law of Somalia will require additional implementation efforts from UNODC.

As members of the Council know, UNODC cooperates closely with the Contact Group on Piracy off the Coast of Somalia (CGPCS), serving as secretariat for Working Group 2, on legal issues, and as manager of the CGPCS Trust Fund. UNODC also continues to cooperate in counter-piracy efforts with the International Maritime Organization, INTERPOL, the United Nations Development Programme, the Office of Legal Affairs and, of course, the Department of Political Affairs.

I would like to commend Special Adviser Lang for his thorough frontline investigation into the legal issues surrounding Somali piracy. He has met with me and other UNODC staff on a number of occasions. Last month, he and UNODC representatives went to visit

the courts in Mombasa, Kenya — the site of many of the region's piracy trials — as well as Somalia itself, to inspect the prison that UNODC is operating in "Somaliland" and the prison in Garowe, "Puntland".

It is clear that the only viable long-term solution to the Somali piracy problem is to restore law and order in Somalia, including in its waters. It is also clear that this solution is some years off and will require concerted and coordinated international efforts. In the interim, the UNODC counter-piracy programme, established in 2009, has three major objectives, namely, fair and efficient trials and imprisonment of piracy suspects in regional countries; humane and secure imprisonment in Somalia; and fair and efficient trials in Somalia.

Thus far, the programme has proved effective in supporting efforts to detain and prosecute piracy suspects in compliance with the rule of law and respect for their human rights. Trials are fair and efficient. For example, the 11 pirates convicted in the Seychelles last week were arrested in March. This seven-month time frame compares favourably with piracy trials in North America and Europe. At the same time, the programme is building the capacity of regional States. With the new initiatives funded by the Trust Fund under way, the broader criminal justice systems of Somalia are also being reinforced.

UNODC is committed to playing its part to foster and strengthen development in Somalia. While the difficulties in Somalia are enormous, we are encouraged by the non-partisan cooperation of Somalia's Transitional Federal Government and the authorities of "Puntland" and "Somaliland" on counter-piracy efforts through the Kampala process. The lean but committed team of UNODC staff is working diligently in those parts of Somalia where we are able to operate, and will continue to do so.

There are many challenges before us, but I believe that the ongoing efforts to address the detention and prosecution of suspected Somali pirates are showing some success. With the right support from the international community, those efforts have the potential to become even more effective and lead to a long-term solution. We owe it to the people of Somalia.

The President: I thank Mr. Fedotov for his briefing. I now give the floor to Mr. Elmi Ahmed Duale, Permanent Representative of Somalia.

Mr. Duale (Somalia): Thank you, Mr. President, for allowing me to participate in this meeting and to say a few words. I also thank Security Council members who are still very much seized with the issues that we are discussing today — piracy and the restoration of law and order in Somalia. We hope that stabilization and the restoration of law and order in Somalia, my country, will largely resolve the problem that the international community and Somalia alike face with regard to pirates. Pirates are now present not only in the Gulf of Aden, but also in the Indian Ocean.

Let me first of all thank Under-Secretary-General Pascoe for briefing us on the report (S/2010/556) of the Secretary-General. We support the report because it conveys the real problems faced by the international community in combating piracy off the coast of Somalia, as well as those suffered by neighbouring and far-off countries alike. The Secretary-General has also pinpointed a number of issues that, if taken care of, would in large measure solve the problems we face within and outside of the country.

Let me also thank Mr. Fedotov, of the United Nations Office on Drugs and Crime, for the support that his Office has so far provided with respect to legal aspects of the possibilities for the detention and prosecution of pirates in neighbouring countries. We also thank neighbouring countries that, in spite of the great burden posed to them, have offered support and agreed to detain and prosecute pirates.

I also wish to convey my country's regret that there are still a good number of seafarers who remain in captivity in pirates' dens and ports. We extend our sympathy to the families and the countries of origin of these seafarers. The Transitional Federal Government regrets that this has happened. We hope that it will cease to happen — the sooner the better.

The President: In accordance with the understanding reached in the Council's prior consultations, I now invite Council members to informal consultations to continue our discussion of the subject.

The meeting rose at 10.25 a.m.